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CENTRAL DIST. OF CALIF.
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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 EASTERN DIVISION

17 **ED CV 12 - 02026 VAP**
18 Case No.: (DTBx)

19 Fernando Orozco,

20 Plaintiff,

21 vs.

22 Reliant Capital Solutions; and DOES 1-10,
23 inclusive,

24 Defendants.

25 **COMPLAINT FOR DAMAGES**
26 **1. VIOLATION OF FAIR DEBT**
27 **COLLECTION PRACTICES ACT,**
28 **15 U.S.C. § 1692 ET. SEQ;**
2. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

1 For this Complaint, the Plaintiff, Fernando Orozco, by undersigned counsel,
2 states as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the invasions of
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to
8 collect a consumer debt.
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Fernando Orozco (hereafter "Plaintiff"), is an adult
18 individual residing in Fontana, California, and is a "consumer" as the term is defined
19 by 15 U.S.C. § 1692a(3).
20

21 5. Defendant, Reliant Capital Solutions ("Reliant"), is an Ohio business
22 entity with an address of 750 Cross Pointe Road, Suite G, Gahanna, Ohio 43230 ,
23 operating as a collection agency, and is a "debt collector" as the term is defined by 15
24 U.S.C. § 1692a(6).
25
26
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28

1 6. Does 1-10 (the “Collectors”) are individual collectors employed by
2 Reliant and whose identities are currently unknown to the Plaintiff. One or more of
3 the Collectors may be joined as parties once their identities are disclosed through
4 discovery.
5

6 7. Reliant at all times acted by and through one or more of the Collectors.
7

8 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

9 **A. The Debt**

10 8. The Plaintiff allegedly incurred a financial obligation in the approximate
11 amount of \$1,500.00 (the “Debt”) to University of Phoenix (the “Creditor”).
12

13 9. The Debt arose from services provided by the Creditor which were
14 primarily for family, personal or household purposes and which meets the definition
15 of a “debt” under 15 U.S.C. § 1692a(5).
16

17 10. The Debt was purchased, assigned or transferred to Reliant for collection,
18 or Reliant was employed by the Creditor to collect the Debt.
19

20 11. The Defendants attempted to collect the Debt and, as such, engaged in
21 “communications” as defined in 15 U.S.C. § 1692a(2).
22

23 **B. Reliant Engages in Harassment and Abusive Tactics**

24 12. Within the last year, Reliant contacted Plaintiff in an attempt to collect
25 the Debt.
26
27
28

1 13. Reliant contacted Plaintiff at his place of employment in an attempt to
2 collect the Debt.

3
4 14. Plaintiff informed Reliant that calls to his workplace were inconvenient
5 and prohibited by his employer and directed that calls there stop immediately. Plaintiff
6 further instructed that Reliant to cease all calls to him, and communicate only with
7 him in writing.
8

9 15. Despite being told the foregoing, Reliant thereafter continued to call
10 Plaintiff at his place of employment, placing approximately two calls per day on a
11 daily basis. During each contact, Plaintiff reiterated the foregoing, however, Reliant
12 continued to call Plaintiff at his place of employment.
13

14 16. The repeated call to Plaintiff's workplace caused a great amount of
15 distress to Plaintiff and caused Plaintiff to fear that his employment was in jeopardy.
16

17 17. During one conversation in October of 2012, Reliant demanded
18 immediate payment of the Debt. Plaintiff advised Reliant that he could not
19 immediately pay the Debt, but would pay in December, and again demanded that calls
20 to him cease. Reliant called Plaintiff again that same day demanding payment of the
21 Debt.
22
23

24 18. Reliant spoke to Plaintiff with a bullying and aggressive tone in an effort
25 to intimidate him into making immediate payment, including telling Plaintiff it was
26 marking his account as "refusal to pay" and was "putting [him] down for non-
27
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1 compliance.” These statements caused Plaintiff worry and concern over what further
2 steps Reliant was going to take.
3

4 **COUNT I**
5 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
6 **15 U.S.C. § 1692, et seq.**

7 19. The Plaintiff incorporates by reference all of the above paragraphs of this
8 Complaint as though fully stated herein.

9 20. The Defendants contacted the Plaintiff at his place of employment,
10 knowing that the Plaintiff’s employer prohibited such communications, in violation of
11 15 U.S.C. § 1692c(a)(3).
12

13 21. The Defendants engaged in behavior the natural consequence of which
14 was to harass, oppress, or abuse the Plaintiff in connection with the collection of a
15 debt, in violation of 15 U.S.C. § 1692d.
16

17 22. The Defendants caused a phone to ring repeatedly and engaged the
18 Plaintiff in telephone conversations, with the intent to annoy and harass, in violation
19 of 15 U.S.C. § 1692d(5).
20

21 23. The Defendants used false, deceptive, or misleading representation or
22 means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.
23

24 24. The Defendants used unfair and unconscionable means to collect a debt,
25 in violation of 15 U.S.C. § 1692f.
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1 plaintiff,” and, “a substantial burden to her existence,” thus satisfying the Restatement
 2 of Torts, Second, § 652B requirement for an invasion of privacy.

3
 4 40. The conduct of the Defendants in engaging in the illegal collection
 5 activities resulted in multiple invasions of privacy in such a way as would be
 6 considered highly offensive to a reasonable person.

7
 8 41. As a result of the intrusions and invasions, the Plaintiff is entitled to
 9 actual damages in an amount to be determined at trial from the Defendants.

10 42. All acts of the Defendants and its agents were committed with malice,
 11 intent, wantonness, and recklessness, and as such, the Defendants are subject to
 12 punitive damages.

13 **PRAYER FOR RELIEF**

14
 15 WHEREFORE, the Plaintiff prays that judgment be entered against the
 16 Defendants:

17
 18 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the
 19 Defendants;

20 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A)
 21 against the Defendants;

22 C. Costs of litigation and reasonable attorney’s fees pursuant to 15 U.S.C.
 23 § 1692k(a)(3) against the Defendants;

24 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
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 28

1 E. Statutory damages of \$1,000.00 for knowingly and willfully committing
2 violations pursuant to Cal. Civ. Code § 1788.30(b);

3
4 F. Actual damages from the Defendants for the all damages including
5 emotional distress suffered as a result of the intentional, reckless, and/or
6 negligent FDCPA violations and intentional, reckless, and/or negligent
7 invasions of privacy and intentional infliction of emotional distress in an
8 amount to be determined at trial for the Plaintiff;
9

10 G. Punitive damages; and

11
12 H. Such other and further relief as may be just and proper.

13
14 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

15
16 DATED: November 14, 2012 TAMMY HUSSIN

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19 By: _____
20 Tammy Hussin, Esq.
21 Lemberg & Associates, LLC
22 Attorney for Plaintiff, Fernando Orozco
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